



**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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to  
**COUNCIL (EXTRAORDINARY)**  
**12 JULY 2018**

<b>Application Number</b>	<b>FUL/MAL/18/00093</b>
<b>Location</b>	Land between Chandlers and Creeksea Lane, Burnham-on-Crouch, Essex
<b>Proposal</b>	Variation of condition 18 on approved planning permission FUL/MAL/14/00356 (Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments)
<b>Applicant</b>	David Wilson Homes Eastern Counties
<b>Agent</b>	Mr Ray Houghton
<b>Target Decision Date</b>	13 July 2018
<b>Case Officer</b>	Mark Woodger
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Previous Committee Decision Major Application

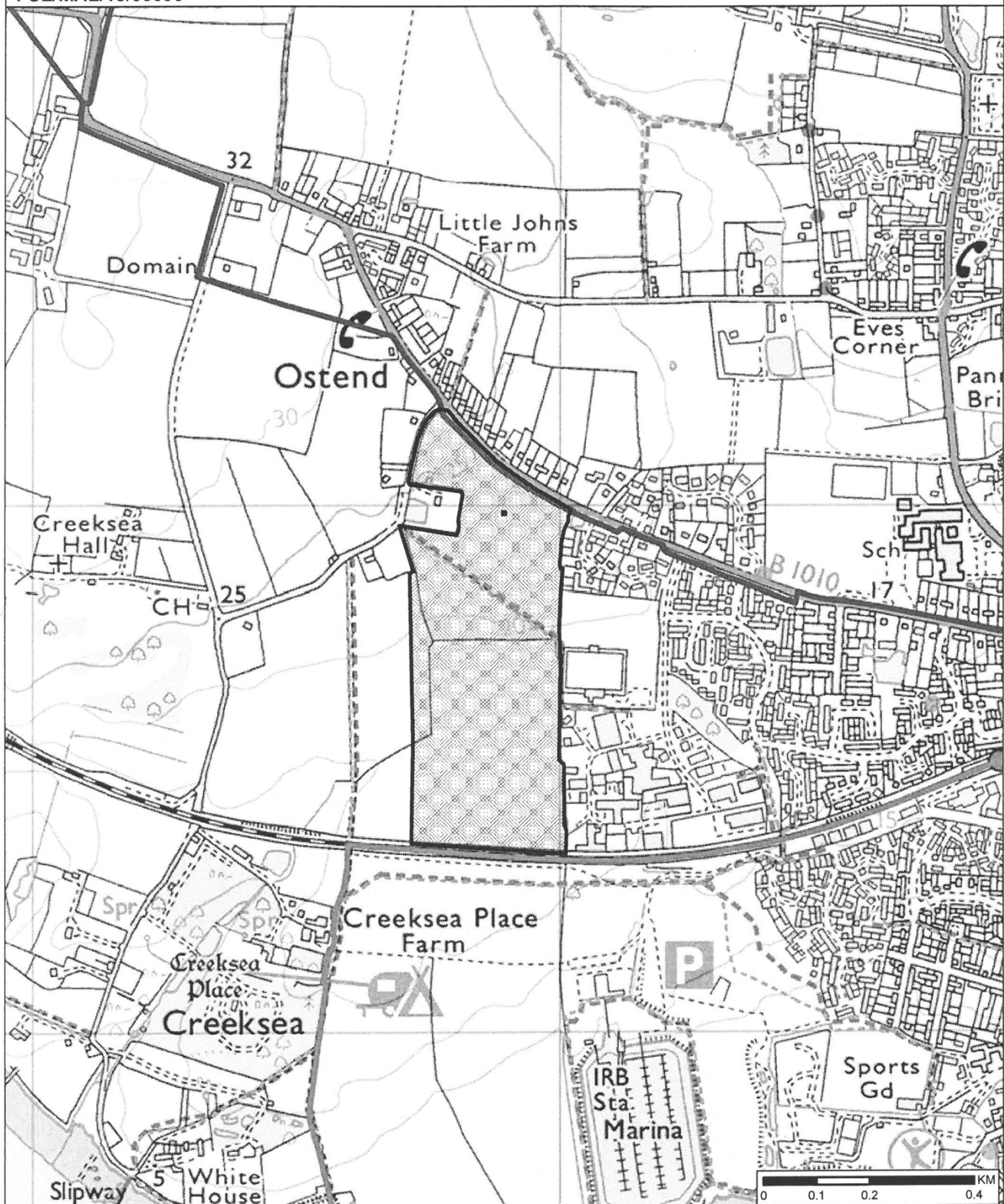
**1. RECOMMENDATION**

**APPROVE** subject to the conditions (as detailed in Section 8 of this report).

**2. SITE MAP**

Please see overleaf.

**Land Between Chandlers and Creeksea Lane, Maldon Road Burnham-on-Crouch**  
**FUL/MAL/18/00093**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Full Council 18/00093/FUL
	Date:	04/07/2018
	MSA Number:	100018588
<a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a>		

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

- 3.1.1 The application site forms strategic site S2(j) in the Approved Local Development Plan (LDP) and is on the western edge of Burnham-on-Crouch, south east of Ostend and north of Creeksea. Planning permission has been granted, part as full permission and part as outline as set out above, for the erection of 180 dwellings plus ancillary accommodation on a site which in total measures 22 hectares. Therefore the principle of residential development on this site is set both within policy and in the previously approved detailed planning permission by application FUL/MAL/14/00356. This application was granted by Members at an extraordinary meeting of the Council on 31 March 2016, with permission being issued pursuant to a Section 106 (S.106) agreement to cover 40% affordable housing, highway improvement, healthcare and education contributions, youth facilities, allotments and the management and maintenance of the open space. This S.106 agreement remains in perpetuity should this application be approved and the provision of the above is assured.
- 3.1.2 This approval grants the principle of the development and in the case of the approved application set matters relating to the layout, appearance, scale, design and landscaping of the site. This part of the permission can be implemented subject to the clearance of planning conditions as attached to the approval of permission.
- 3.1.3 Since the permission was issued the applicants, Barratt David Wilson Homes (BDW) has acquired the land, and they wish to implement the consent for 180 dwellings, minus the six dwellings in the top north west corner of the site which are retained by the previous applicant, and built as planned. This application is to implement the development not in accordance with the permitted plans and is therefore an application under Section 73 of the Town and County Planning Act 1990.
- 3.1.4 The application follows on from discussions with Officers and Members in a pre-application meeting as well as other stakeholders including Burnham-on-Crouch Town Council. The evolution of the site is as a result of BDW taking on the site and seeks to accord with the requirement of the LDP which was approved after the original decision was made, and the Maldon District Design Guide also approved as Supplementary Planning Guidance post approval of the original scheme.
- 3.1.5 Essentially the proposal is to keep the road layout virtually the same as previously agreed, but build different dwelling types instead of the dwellings as originally approved. Access will remain the same as previously approved. The applicants have indicated that construction access will be from the south through the adjacent Springfield Industrial Estate. This will enable the site to be built out from the north. The construction access will be temporary and blocked off on completion of the housing development with the industrial area to the south, itself subject to outline permission, accessed through the Springfield Industrial Estate. Previously Members asked for the access to be stopped off to prevent a “rat run” through the site, and from vehicles accessing the industrial land from using the estate access road in the interest of future resident’s amenity.

- 3.1.6 The road hierarchy will essentially be the same as previously approved. The main differences will be the deletion of the flatted blocks and communal parking areas which were prominent within the previously approved scheme, and that the scheme now fronts onto Maldon Road to the north and not back / flank onto it as previously approved. The rationalization of housing, which has the following mix as set out below, will result in the scheme providing approximately 3 hectares of additional open green space.
- 3.1.7 The housing mix will be as set out as follows, which compares what was approved by FUL/MAL/14/00356 is compared to the proposal as with the Council by this application:

<b>Market</b>	<b>As approved</b>	<b>Total</b>	<b>Proposed</b>	<b>Total</b>
2bedroom (b) flat	36	45	0	45
2b 4person (p) house	9		28	
2b 4p bungalow	0		17	
3b 5p house	28	37	9	9
3b 5p bungalow	9		0	
4b 7p house	12	12	10	34
4b 8p house	0		24	
5b 9p house	14	14	7	20
5b 10p house			13	
<b>Total (Market)</b>		<b>108</b>		<b>108</b>
<b>Affordable</b>	<b>As approved</b>	<b>Total</b>	<b>Proposed</b>	<b>Total</b>
1b flat	20	26		26
1b 2p Maisonette			20	
1b 2p bungalow	6		6	
2b 4p bungalow	18	38	6	38
2b flat	6			
2b 4p house	14		32	
3b 5p house	8	8	8	8
<b>Total (Affordable)</b>		<b>72</b>		<b>72</b>
<b>Overall Total</b>		<b>180</b>		<b>180</b>

- 3.1.8 The as proposed housing mix accords with the approved housing mix in that it provides 45 units one and two bedroomed private market units, which represents 42% of the overall private housing mix in line with the Council's Strategic Housing Market Assessment (SHMA). In addition 38% of the two bedroomed market dwellings are bungalows, with these being absent from the as approved dwelling mix. The total number of bungalows of the site, including the affordable, increases from the 20 as

previously approved to 29 which is considered to better respond to the sites characteristics.

- 3.1.9 The affordable housing remains at 40% of the total which is compliant with LDP Policy H1 as proposed, and in terms of the units as proposed remains at 26 one bedroomed, 38 two bedroom, and 8 three bed dwellings.
- 3.1.10 Members are asked to note that the remainder of the site, comprising a 50 – 60 bed care home, a nursery school, as well as 3.4 hectares of B1, B2, and B8 employment land and as approved in outline are unaffected by this application.

### **3.2 Conclusion**

- 3.2.1 Permission has been granted in detail for this development of 180 units in total on one of the strategic sites within Burnham-on-Crouch, and as included as such in the Approved Burnham-on-Crouch Neighbourhood Plan, and this permission can still be implemented. This has been established. With this Members are to consider if the scale, mass, design and layout of this development are appropriate on this edge of settlement location.
- 3.2.2 Other matters such as site wide flood risk, the introduction of employment land, the provision of a care home and early years facilities, site archaeology, the landscape and visual impacts of the development in the wider area have all been considered acceptable by the previously approved scheme and this development makes no change to that as agreed principle. Essentially it is the layout of the houses and their setting, scale, appearance and landscaping which Members are here asked to consider.
- 3.2.3 In looking at what was previously agreed and what is here proposed, Officers consider the new layout and the relationship of the dwellings with the road to the north, and with neighbouring dwellings to be wholly acceptable. The scale of the dwellings and their position within a larger landscaped setting will enhance the transition between the existing built edge and the wider open countryside to the east to its betterment. The omission of the former flatted blocks and communal parking areas is seen as a key bonus, reducing the mass and scale of the development on the edge of an urban settlement area. This will result in the amount of open space within the site increasing to the betterment of its setting, layout and design.
- 3.2.4 In conclusion the new layout is considered superior to that previously approved in all respects, and compliant with Policy D1 (Design Quality and Built Environment) in the Approved Local Development Plan as well as the recently published and the Maldon District Design Guide.

## **4. MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda. With the principle for the development having been established with the sites inclusion as a Strategic Site within the LDP the following detailed policies are to be considered by this submission.

#### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 14.....Presumption in favour of sustainable development
- 17.....Core Planning Principles
- 56-68 .....Requiring Good Design
- 186-187 .....Decision-taking
- 196-198 .....Determining applications

#### **4.2 Maldon District Local Development Plan approved by the Secretary of State:**

- S1.....Sustainable Development
- S8.....Settlement Boundaries and the Countryside
- D1 .....Design Quality and Built Environment
- H4.....Effective Use of Land
- T1 .....Sustainable Transport
- T2 .....Accessibility

#### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards SPD
- Planning Practice Guidance (PPG)
- The Town and Country Planning (General Permitted Development) (England) Order 2015

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

- 5.1.1 In this case the principle of providing 180 dwellings on this site is established through its inclusion as Strategic Site S2(i) in the LDP and the granting of detailed permission FUL/MAL/14/00356.
- 5.1.2 The Made Burnham-on-Crouch Neighbourhood Development Plan (BoCNDP) Policy HO.5 refers to the allocated site S2(i) with the provision that the development should reflect the scale and character of the existing development; bring forward high quality designs; deliver low density along the frontage; deliver higher density within the site center; deliver cycle and pedestrian routes through the site; preserve and enhance rights of way; provide facilities for all ages; provide green space to the Council's standards, and deliver affordable housing.
- 5.1.3 In terms of proposed housing mix this is set out in tabular form earlier on the report. The Council's published SHMA asks that development contribute to a current shortfall in smaller one and two bedroomed affordable units. As can be seen the new

development mirrors that which has approval in terms of housing mix for smaller units.

- 5.1.4 In terms of affordable housing the percentage as proposed remains at 40%, the principle different being this development proposed maisonettes for some units rather than flats, this is considered a benefit to the scheme as is here to be considered. However the mix of units and of unit size and as considered acceptable by application FUL/MAL/14/00356 remains as here proposed.

## **5.2 Design and Impact on the Character of the Area**

- 5.2.1 The NPPF, the LDP and the BoCNDP all put emphasis on good design in the built environment, this being considered a key element of sustainable development. The design of the development should be a high quality and be compatible with its surroundings in terms of design, scale, layout and appearance. It should also make a contribution to landscape character and the open countryside, particularly in this case for this site which is in an edge of urban area, in a rural location and an important site in the gateway of Burnham-on-Crouch. Not only should this be considered as to the scheme itself but also to the how the buildings will function and relate to their surroundings.
- 5.2.2 The development will take access for residents from the B1010 Maldon Road from the front of the site. An internal spine road will run north to south though the major portion of the site. It has to be noted that the main and secondary roads are in the same position as previously agreed.
- 5.2.3 The sites allocation as a Strategic Site in the LDP and the approval of the first planning application has set the density at 15 dwellings per hectare for the residential part of the proposal. The NPPF and the Approved LDP are silent on housing densities but the density as proposed here is no different from that which has approval.
- 5.2.4 Around the site densities do vary, the older properties facing onto Maldon Road are at a low density, the more modern development in Chandlers higher. Densities as proposed have an impact on the character and design of the development as is submitted. Whilst densities have been calculated on the overall housing element, what has to be remembered is that this also includes large areas of open spaces, Neighbourhood Equipped Areas for Play (NEAP's) and Local Areas Equipped for Play (LEAP's) within the local area which contribute to the setting of the development as amended. Never the less the overall density remains as previously approved and this is considered acceptable.
- 5.2.5 What needs to be considered is the proposed design and layout of the development and its relationship with the surrounding properties and the character and appearance of this edge of urban area development.
- 5.2.6 The development includes a number of character areas. They are to the north west, will be retained by the former site promoters and will remain as previously agreed. The central and southern areas will form a higher density development with a variety of house types and sizes, with private gardens, parking spaces, shared communal green areas and landscaping.

- 5.2.7 The development would not appear out of character with the surrounding area, and although the principle change from Maldon Road with the development now facing onto the highway is noted, this follows the pattern and grain of the development in the local area. This is considered to be to the schemes benefit as in design terms facing onto the road is preferable to houses backing or being side onto the road, this type of a layout would give a road frontage dominated by fences and walls. The development as now proposed would mirror the character of the development opposite giving it a more varied and softer edge. This is considered a particular benefit given the sites location immediately adjacent to the road frontage leading into the settlement of Burnham-on-Crouch as the open urban area moves into the urban edge.
- 5.2.8 On the northern side of the site two dwellings will stand either side of the main spine road at its junction with Maldon Road. These are large properties with a height of 8.977 metres, this being 700mm lower than as approved by FUL/MAL/14/00356. In this application the dwellings will face the road, this being the difference to the previous approval which backed or flanked onto the highway. This is considered in keeping with the area, and in design terms it is always preferred for dwellings to face onto the road giving it a street facing frontage, *important* in this prominent position in the street scene, in approximately the same pattern of development which will stand on the opposite side of Maldon Road to the north.
- 5.2.9 A variety of houses are proposed within the development, these range from two to five bedroomed market houses and bungalows, together with one bed maisonettes and bungalows to three bed houses for affordable dwellings. All the house types as proposed are either semidetached or detached. All houses will be two storey and bungalows one storey.
- 5.2.10 The previous proliferation of large flatted blocks, which were as planned in the centre of the site, have now been superseded by more traditional two storey dwellings with more regular street scenes. The replacement of these blocks, together with the large communal parking courts which served the development, results in much more space being made within the development and more space around the houses. For this edge of urban area development this is considered a significant benefit. This will also enable a larger mix of house types creating variety in the street scenes.
- 5.2.11 The rationalization of spaces within the development has enabled 3 hectares more of open space to be provided within the scheme, to the considerable benefit of its setting and place shaping. Officers conclude that the site will have a much more open aspect and feel, with there being much more opportunity to provide additional open areas, these being managed by the Land Management Organisation (LMO) which will be appointed as part of the requirements of the S.106 agreement.
- 5.2.12 The Maldon District Design Guide SPD seeks through design to provide developments which have character, safety diversity, movement and legibility to create new spaces which are sustainable. The design concept here has been set by the previous detailed permission, the road layout from which is retained by this application. However the design approach here is different. The applicants here proposed their own house types, a marked difference from the previous scheme. Key to this is the provision of detached and semi-detached dwellings only, giving this a smaller more domestic scale.



- 5.2.13 The design of the dwellings is considered acceptable and constructed from brick, render and boarding with tiled pitches roofs. All properties will have amenity space at or exceeding adopted standards, and the areas of open spaces, the LEAP and the Local Areas for Play (LAP) will be opposite residential dwellings and therefore in view.
- 5.2.14 It is considered that the development as here proposed represents a significant and demonstrable improvement over that previously approved scheme in terms of scale, appearance, landscaping, layout and scale and in full compliance with Policy D1 in the LDP.

### **5.3 Impact on Residential Amenity**

- 5.3.1 LDP policy BE1 (Design of Development and Landscaping) asks that developments are compatible with their surroundings in terms of the impact they have on adjacent residential dwellings.
- 5.3.2 There are a number of residential dwellings close to the application site. Opposite the site in Maldon Road a number of detached dwellings face onto the road. The development also faces the road, and hence faces these existing dwellings. These are set back from the road and this separation will not impact on the amenity of these residential dwellings. The houses will be visible and have an impact on the view from the front of these dwellings which look over an open field at this time however this has been approved and the impact is acceptable.
- 5.3.3 The as proposed large gateway buildings which are adjacent to the access road have been re-designed from those previously approved, the new dwellings are 700mm lower to ridge height than as approved.
- 5.3.4 Creeksea Lodge is the nearest building to the west, a detached house set in large landscaped grounds. The spine road to the development runs to the eastern boundary of the site in a position as previously approved; the land between the spine road and this property will be landscaped and screened from this property. The development as approved will not have an impact on the amenity of these residents to its detriment and no overlooking or overshadowing would occur. The development to the immediate north of Creeksea Lodge remain as approved and is not changed by this submission, its impact there remains as previously approved.
- 5.3.5 To the east stand a number of residential properties in Chandlers which back onto the development. This two storey development is a mews type development made up of detached dwellings. They are separated from the new development and have back to back distances in excess of the 25 metres as is required in the Maldon Design Guide. Some of the buildings along the eastern boundary of the site are bungalows, further reducing impact. It is not considered that the new development will overshadow, overbear or overlook the existing dwellings to the east.

## **5.4 Access, Parking and Highway Safety**

- 5.4.1 The access as proposed is as approved by FUL/MAL/14/00365 and hence there will be no impact to the change in the proposed residential layout, the only difference will be within the internal layout itself the most marked difference being the dwellings which front onto the highway will be accessed by private shared surfaces. The access to the site for construction vehicles will come from the south and through the Springfield Industrial Estate, this being of value to the residents opposite the site in Maldon Road.
- 5.4.2 As previously agree the central spine road will be blocked off from the industrial land to the south preventing large vehicles from accessing the housing development and to prevent the creation of a “rat run” through the development.
- 5.4.3 The new layout will provide parking in accordance with the Council’s adopted Car Parking Standards. Each house will have on plot parking, the former large areas of communal parking are no longer proposed. It is considered that this will have a significant benefit to the development.

## **5.5 Private Amenity Space and Landscaping**

- 5.5.1 All plots have private gardens, to meet adopted standards. With there being no flatted blocks no communal space is needed other than are designated as such. LEAP’s and LAP are identified within the development as previously approved. These are in areas which are overlooked and appropriate to their setting.
- 5.5.2 Landscaping is proposed throughout the scheme and in the open areas within it significantly greening the development to its betterment. The previous scheme included open space to measure 2.3 hectares. With the re-planning of the development this has freed up additional space in and around the housing as proposed and in excess of 5 hectares of open space will be provided.

## **5.6 Other Material Considerations**

- 5.6.1 The areas of land which would contain the employment land, the care home, the early years nursery and the business units would remain as under the previously approved outline part of the former approval and are not the subject of change.
- 5.6.2 In terms of the management of the open space and Sustainable Urban Drainage Systems (SUDS) scheme a LMO as required by the previously agreed S.106 would similarly apply. All other provisions within the S.106 accompanying the approved application would be transferred to this as proposed layout without amendment, hence provisions for the LMO, education, affordable housing, healthcare, highway improvement and teen facilities would remain.

## **6. ANY RELEVANT SITE HISTORY**

- **FUL/MAL/14/00356** – Application for full planning permission for 180 homes (including 20 bungalows), new vehicular access onto Maldon Road, the spine road through the development, greenspace, and associated infrastructure. Outline with all matters reserved (apart from access) for 50 – 60 bed care

home, a nursery school, 3.4 hectares of B1, B2 and B8 uses with 1.7 hectares of temporary private amenity space, and 0.5 hectares of allotments. Approved the Council pursuant to a S.106 agreement as dated 11 August 2017.

- **NMA/MAL/17/01033**– Application for non-material amendment to FUL/MAL/14/00356 in that the access road to the areas as shown for allotments is shown as deleted from the area specific for allotment provision. Approved by the Council as dated 10 October 2017.
- **NMA/MAL/17/01223** - Application for non-material amendment to FUL/MAL/14/00356 in that the access road are to be provided onto Maldon Road independent of each other and not together. Pending consideration.
- **FUL/MAL/17/01242**– Variation of condition 39 as attached to FUL/MAL/14/00356 in that the access road are to be provided onto Maldon Road independent of each other and not together. Pending consideration.
- **FUL/MAL/17/01262**– Variation of 4 homes located in the North West corner of the site from those previous approved by FUL/MAL/14/00356. Pending consideration.

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### 7.1 **Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Burnham-on-Crouch Town Council	Object – The application is contrary to the NPPF para 56 to 66 and NDP Policy HO5. The development is contrary to Policy D1 and S3 in the LDP and S8 settlement boundaries in the countryside. The development would be contrary to key design objectives in the Maldon Design Guide. The Town Council also points to the 25 points of objection set out in the objection letter by the adjacent residents. The Council supports the comments as made by Leisure and Livability.	Noted, the scheme does differ from that as previously applied for. The principle change when viewed from Maldon Road is the frontage which now fronts onto the main road rather than backing / siding on to the road which officers consider is a benefit to the local area. The site is shown as a preferred within policy S2 and therefore Policy S8 does not apply. Policy S3 relates to place shaping and whilst the comments are noted the development is considered better planned, laid out and landscaped than the previously approved scheme.

## 7.2 Statutory Consultees and Other Organisations

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Cadent Gas Network	There is a gas main running immediately to the south of the road frontage which cannot be built over.	This is noted, the applicants are aware of this and where their site abuts the road the correct easement is allowed for. The consultees have been informed of this.
Essex County Council Education Department	No written comments have been received.	Officers have discussed this. The prior provision for education provision remains on the site and this was set at the provision of 180 units and is unchanged.
NHS Property Services	No written comments have been received.	Officers have discussed this. The prior provision for health provision remains on the site and this was set at the provision of 180 units and is unchanged.
Anglian Water Services	Have no comments to make on this application.	The provision of foul sewage will be achieved through a planning condition as attached to the approval notice.
Essex and Suffolk Water	Raise no objection to the development subject to compliance with our requirements, consent is given to the development on the condition that a water connection is made to our company network for the new dwellings or revenue purposes.	Noted.
Essex Sustainable Urban Drainage Scheme	Raise no objection to the application as submitted subject to the imposition of additional conditions.	Noted. The updated list of conditions as attached to this report include the same where necessary.

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Housing Department	No comments have been received.	Conversations have been had with Officers on the amended housing provision as the mix of houses and flats has changed. The new scheme is considered betterment in that more houses are now provided for affordable units.

### 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Leisure and Liveability	Based on the original layout, which has now been amended the position of units, additional space was requested in front of units which faced onto the Public Right of Way (PRoW) to provide better greenspace, to improve design and character of the local area. An open space in front of some units served no purpose and should be incorporated into the development. Policy S3 requires development to provide a strong landscaped character. Trees should be placed in groups. The allotments are shown as being part provided. Although the LEAPs are in the previously agreed locations their size and shape will need re looking at to provide creative fun designs. Hard landscaping details will be shown.	The plans as amended take into account the separation of the site and its treatment in front of the footpath; conditions and requirements within the S.106 will ensure other matters are covered for future submission. If comments on the plan as amended are received then these will be reported.

Name of Internal Consultee	Comment	Officer Response
Urban Design	The amendments to that as approved in terms of the relationship of open spaces with built form and the formal and informal planting are a huge improvement. No objection to the gateway buildings. The previous scheme was poor in the way it related to the street frontage and the new proposals fit better into the context of the site and comply with the Maldon District Design Guide SPD. All dwellings are detached or semidetached so waste collection and bin storages is easy. 8 plots where maisonettes are proposed have separate access to fenced off private amenity space and the upper floors have to access these by outside alleyways and not directly from the units, and this is objected to.	Noted, the scheme is an improvement on that as approved. In terms of the orientation of garden space for the 8 plots the developer states that this is preferable over shared space where management is problematic and where maisonettes are proposed then access via an external door is necessary. The short walk of a few meters to the individual gardens is not considered probative and to warrant the refusal of permission.
Tree officer	Any comments as may be received will be reported to the meeting.	
Environmental Health	Any comments as may be received will be reported to the meeting.	

## 7.4 Representations received from Interested Parties

- 7.4.1 Seven respondents from individual households have been received **objecting** to the application from and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
The proposed ratio of increased green space and diminished private gardens although maybe technically within guidelines will we believe inevitably lead to residents having higher annual maintenance fees couples with a lack of	It is correct that overall green space will increase as a higher percentage of flats and parking courts are designed out, however the cost of this and the objection on this ground is subjective and not a planning matter

<b>Objection Comment</b>	<b>Officer Response</b>
pride in individual gardens.	
Increase community open space could lead to the Town Council being forced to maintain the site in perpetuity.	This is incorrect. The signed S.106 which would be attached to the approval of any permission sets up a Land management Organization to look after the upkeep of the Green Space within the site.
The drawings are different to that as approved with much more intensive intrusive housing at the extremities. Erosion of private amenity of existing residents and increased green space in the centre increasing the intrusion of the new estate into the established character area.	The new scheme includes a higher amount of open space, Officers do not consider that this intrudes or detracts from this edge of settlement area. The estate will create its own character, for a single site to provide 180 new dwellings in one this will be necessary. It is concluded that the development would be in accordance with Policy D1 in the LDP and the Maldon Design Guide.
More green space is needed and more local character is needed rather than standard house types.	As before more green space is provided than that approved. The design of the surrounding area is by its nature mixed and there is no objection to the types of houses as proposed.
The development would prejudice the amenity of neighbours by means of acoustic, privacy and security of these properties.	The development will move housing closer to neighbouring properties but whilst the surroundings will alter these will not prejudice neighbours and be in accordance with Policy H4 in the LDP.
Fencing and or an acoustic bund should be provided to screen the dwelling from the west from the development	Planting is proposed and the development itself will stand some way from the neighbour to the west so fencing and bunding would not be considered necessary.
Brick walls should be used to screen the development from adjacent properties.	It is considered that the as proposed boundary treatments between the site and the neighbours is acceptable.
There should be landscaping between the closets property and the development.	Landscaping is required to be submitted by condition as attached to the approved application FUL/MAL/14/00356 and as is proposed to be duplicated here.
Adjacent residents need to know that the SUDS on site system will not discharge into ponds and ditches which are owned by them.	The SUDS scheme has been developed, and consulted on, to ensure the site is self-sufficient in drainage and without reliance on third party land.
The main spine road, and especially the parking bays along it, will lead to antisocial behaviour and crime at night and is contrary to Neighbourhood Plan Policy NHD7 (i)	This comment is noted and the development as proposed is no different from that as previously proposed with specific reference to the spine road.

<b>Objection Comment</b>	<b>Officer Response</b>
Neighbours are concerned about the extent of land ownership and if this affects the development as proposed	Land ownership is a private matter.
The number of dwellings along the Maldon Road frontage will spoil the approach to Burnham and is in addition to the development as approved.	Houses backing and flanking onto the road as were approved by FUL/MAL/14/00356 have been replaced by dwellings fronting onto it with access from private drives. Officers are of the view that it is preferable to have houses fronting onto the street, as houses do opposite the site. This provides a better street frontage than rear and flank fences as previously approved.
Bungalows to the rear of Chandlers have been replaced with houses.	Noted, however these will not overshadow / overbear / overlook the existing dwelling's to their detriment. Back to back distances are in accordance with the Maldon Design Guide.
The development lacks sustainability.	The development has planning permission in principle, identified as a strategic site in the Approved LDP
There will be an increase in light and noise pollution.	Developing a currently open site will result in some effects in terms of noise and light but not to the demonstrable dis-benefit of the local area or the local residents.
Evergreen coverage should separate the development from the closest dwelling to the west of the site.	Landscaping is proposed and is required by reason of a planning condition.
The gap between the front of the development is less than the gap between the existing development opposite and the road.	This is correct, although the older development opposite varies in terms of its position. This submission should be considered on its own merits and the building plots are no closer to the road than the scheme which has approval at this time.
Higher density areas should be in the middle of the site to reduce its impact.	The net densities here are low, acceptable in the edge of urban area location. It's a moot point as to whether the density within any of the housing areas differs substantially.



**8. PROPOSED CONDITIONS, INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

**HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

Previously planning permission reference FUL/MAL/14/00356 was granted with a S.106 Agreement. By virtue of paragraph 16.10 of the Agreement means that this Section 73 application binds to the previously signed agreement hence the provision of affordable housing, LMO's etc. are here retained.

**PROPOSED CONDITIONS**

**OUTLINE consent**

- 1 The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.  
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 3 The development shall be carried out in accordance with plans and particulars relating to the layout, scale, appearance, and the landscaping of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the Local Planning Authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.  
REASON: The application as submitted does not give particulars sufficient for consideration of the reserved matters.
- 4 The residential care home hereby approved shall only be used as a residential care home and for no other purpose including any purpose as defined within Class C2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.  
REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses accordance with the Approved Maldon District Local Development Plan policies S2 and D1.
- 5 The B1 office units as shown on plan reference H776-001 D which is attached to and forms part of this planning permission shall only be used for office purposes as defined within Class B1(a) of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.  
REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses accordance with the Approved Maldon District Local Development Plan policies S2 and D1.

- 6 The day nursery hereby approved shall only be used as a children's day nursery and for no other purpose including any purpose as defined within Class D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.  
REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses accordance with the Approved Maldon District Local Development Plan policies S2 and D1.
- 7 The development submitted pursuant to the reserved matters application shall accord with the non-residential building heights plan drawing number 013-004-A09 which forms part of the application hereby approved.  
REASON: In order to safeguard the amenities of future occupiers of the dwellings and existing neighbouring residential properties as well as to ensure the appearance of the development is appropriate to the locality in accordance with policy D1 of the Approved Maldon District Local Development Plan.
- 8 The landscaping details and specifications of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses. The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant that tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.  
REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies D1, N1 and N2 of the Approved Maldon District Local Development Plan.
- 9 The scheme to be submitted pursuant to the reserved matters regarding layout shall make provision for car parking within the site in accordance with the Council's adopted car parking standards. Prior to the occupation of any building the associated parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.  
REASON: To ensure appropriate parking is provided in accordance with policy D1 of the Approved Maldon District Local Development Plan.
- 10 Deliveries to and collections from any commercial premises shall only be undertaken between 08:00 hours and 18:00 hours on weekdays and between

08:00 hours and 18:00 hours on Saturdays and not at any time on Sundays and Public Holidays.

REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses in accordance with the Approved Maldon District Local Development Plan policies S2 and D1.

- 11 No machinery shall be operated and no process shall be undertaken outside of any of the B1/B2/B8 units.

REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses in accordance with the Approved Maldon District Local Development Plan policies S2 and D1.

- 12 The hours of operation of the B1 / B2 / B8 units hereby permitted shall be between 08:00 hours and 19:00 hours on weekdays and between 08:00 hours and 16:00 hours on Saturdays and not at any time on Sundays and Public Holidays.

REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses in accordance with the Approved Maldon District Local Development Plan policies S2 and D1.

- 13 There shall be no container handling, no loading or unloading of goods vehicles or containers, and no use of fork lift trucks or other goods handling vehicles, HGV's etc. on the industrial/commercial areas outside of the operating hours as detailed in condition 12.

REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses in accordance with the Approved Maldon District Local Development Plan policies S2 and D1.

- 14 There shall be no burning of waste, either liquid or solid, on any commercial premises.

REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses in accordance with the Approved Maldon District Plan policies S2 and D1.

- 15 Before the installation of any extract ventilation system, compressors, generators, refrigeration equipment, and any other fixed plant, details of the equipment, its location, acoustic housing and any vibration isolation measures, together with the projected noise levels at the boundary of the property, shall be submitted to and agreed in writing by the Local Planning Authority. Only approved plant shall be installed and retained in the approved form thereafter.

REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses in accordance with the Approved Maldon District Local Development Plan policies S2 and D1.

- 16 Acoustic Barriers shall form the boundary fence between the industrial estates and adjacent non industrial areas. Prior to the commencement of development of the commercial areas of the site details of the design and construction of the acoustic barrier including materials of construction, height and acoustic performance shall be submitted to and approved in writing by the Local Planning Authority and retained in the approved form thereafter.

REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses in accordance with the Approved Maldon District Local Development Plan policies S2 and D1.

## **FULL consent**

- 17 The development hereby permitted shall be begun before the expiration of three years from the 11 August 2017.  
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004
- 18 The development hereby permitted shall be carried out in complete accordance with the following drawings:
- |                   |                    |
|-------------------|--------------------|
| • H7760 001 D     | • H7760 140        |
| • H7760 003 D     | • H7760 141        |
| • H7760 004 D     | • H7760 150        |
| • H7760 005 D     | • H7760 160        |
| • H7760 006 C     | • H7760 170        |
| • H7760 007 D     | • H7760 180        |
| • H7760 008 D     | • H7760 190        |
| • BDW-2A-EL-SS1 D | • H7760 200        |
| • BDW-2A-EL-SS2 D | • H7760 201        |
| • BDW-2A-EL-SS3 D | • H7760 210        |
| • 013-004-A11     | • H7760 211        |
| • H7760 020       | • H7760/PA/GH/001  |
| • H7760 030       | • H7760 /PA/GH/002 |
| • H7760 040       | • H7760 300 C      |
| • H7760 041       | • H7769 301 C      |
| • H7760 042       | • H7760 302        |
| • H7760 06        | • 300 C            |
| • H7760 070       | • 301 C            |
| • H7760 080       | • 302              |
| • H7760 081       | • 2064 01 B        |
| • H7760 082       | • 2064 02 D        |
| • H7760 090       | • 2064 03 D        |
| • H7760 091       | • 2064 04 D        |
| • H7760 092       | • 2064 05 D        |
| • H7760 100       | • 2064 06 C        |
| • H7760 101       | • 2064 07 C        |
| • H7760 110       | • 2064 08 D        |
| • H7760 111       | • 2064 09 C        |
| • H7760 112       | • 2064 10 C        |
| • H7760 120       | • 2064 11 C        |
| • H7760 121       | • 2064 12 C        |
| • H7760 122       | • 2064 13 C        |
| • H7760 123       | • 2064 14 C        |

- 2064 15 A
- 2064 16
- 2064 17
- H7760-400-01

REASON: To ensure the development complies with the applications as submitted.

- 19 Prior to the commencement of development, precise written details of the proposed phasing of development, supported by a detailed phasing plan shall be submitted to and be approved in writing by the Local Planning Authority. The development shall proceed in compliance with the agreed phasing schedule as approved.

REASON: To ensure that development is completed in accordance with an agreed phasing of development having regard to the provisions and guidance of the National Planning Policy Framework, and the Approved Maldon District Local Development Plan policy N2.

- 20 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with guidance of the National Planning Policy Framework and policy D1 of the Approved Maldon District Local Development Plan.

- 21 No development shall take place until full details of the provision and subsequent retention of both hard and soft landscape works on the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

Soft landscape works:

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
- 3) Details of the aftercare and maintenance programme.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development unless otherwise agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation

Hard Landscape works:

- 1) Details of walls with brick types, construction design and dimensions

- 2) Details of paved surfacing, with materials finishing and edgings
- 3) Details of street furniture, with designs materials and dimensions

The hard landscape works shall be carried out as approved prior to the first use/ occupation of the development to which it relates hereby approved and retained and maintained as such thereafter.

REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies D1, N1 and N2 of the Approved Maldon District Local Development Plan.

- 22 Notwithstanding the details submitted no development shall commence until details of the two proposed Local Equipped Areas for Play (LEAPs) together with a timetable for implementation and arrangements for the future management and maintenance have been submitted to and approved in writing by the Local Planning Authority. Such details shall include all items of play equipment, landscaping, ground surfacing, enclosure of the area incorporating self-closing gates, seating, and refuse facilities and safety notices. The LEAPs shall be implemented and shall be made available for public use in accordance with the approved timetable for implementation unless otherwise agreed through a variation of condition application by the Local Planning Authority. The LEAPs shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.

REASON: In order to ensure that adequate play space is provided on site and remains available for subsequent use by the occupiers of the development hereby permitted, in accordance with policies D1 and N3 of the Approved Maldon District Local Development Plan.

- 23 The areas of public open space shall be laid out and landscaped in accordance with a detailed scheme and timetable for implementation to include details of future management and maintenance that shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development.

The open space shall be made available for public use in accordance with the approved timetable for implementation unless otherwise agreed through a variation of condition application by the Local Planning Authority.

The public open space shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.

REASON: To ensure that adequate public open space is provided within the development in accordance with policies D1 and N3 of the Approved Maldon District Local Development Plan.

- 24 The allotments shall be laid out and landscaped in accordance with a detailed scheme and timetable for implementation to include details of future management and maintenance that shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. The allotments shall be made available for use in accordance with the approved timetable for implementation unless otherwise agreed through a variation of condition application by the Local Planning Authority. The allotments shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.

REASON: To ensure provision of allotments within the development in accordance with policies D1 and N3 of the Approved Maldon District Local Development Plan.

- 25 Prior to commencement of the development a scheme for the upgrading of public footpath no. 4 Burnham-On-Crouch within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and any road crossing point works shall be implemented before the relevant road is open to traffic.  
REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with policy T2 of the Approved Maldon District Local Development Plan.
- 26 Prior to commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority for the provision and location of two new bus stops on B1010 within the vicinity of the proposed pedestrian access to the east of the site, subject to a Stage 1 Road Safety Audit, to include the following:
- the provision of bus shelters with raised kerbs, to Essex County Council specification, on the north and south side of the B1010.
  - The approved scheme of works shall be implemented prior to first occupation of the development.
- REASON: To enhance sustainable transport to the site and improve accessibility in the locality in accordance with policy T2 of the Approved Maldon District Local Development Plan.
- 27 No development shall commence until the details of a Residential Travel Information Pack for sustainable transport have been submitted to and approved in writing by the Local Planning Authority. The approved Residential Information Travel Pack shall be provided to residents on first occupation of each dwelling.  
REASON: In the interests of increasing the use of sustainable transport in accordance with policy T2 of the Approved Maldon District Local Development Plan.
- 28 The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access therefrom. Furthermore, the carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway.
- Until such time as the final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and paths commensurate with the frontage of each dwelling shall be fully completed with final surfacing within twelve months from the occupation of such dwelling.  
REASON: In the interests of highway safety in accordance with policies D1 and T2 of the Approved Maldon District submitted Local Development Plan.
- 29 No dwelling shall be occupied until a scheme detailing ecological enhancements has been submitted to and approved by the Local Planning Authority. Such details shall include ecological enhancements including the provision of bird and bat boxes. The ecological enhancements as agreed shall be implemented as approved and retained as such thereafter for a minimum period of five years from the date of completion of the development.

REASON: To improve and enhance biodiversity value of the site in accordance with policy N2 of the Approved Maldon District Local Development Plan.

- 30 No development shall commence until a noise assessment determining the effects of noise from the existing Springfield Industrial Estate and Burnham Business Park on the proposed residential dwellings has been submitted to and approved in writing by the Local Planning Authority.

Where identified as necessary the noise assessment shall recommend mitigation measures to ensure that internal and external noise levels are acceptable with regards to the amenity of future occupiers of the dwellings. The development shall be carried out in accordance with any agreed mitigation measures.

REASON: In the interests of protecting the amenities of future occupiers, having regard to policies D1 and H4 of the Approved Maldon District Local Development Plan.

#### **Both OUTLINE and FULL consents**

- 31 No development shall commence until a strategy to facilitate superfast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority.

The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

REASON: In order to ensure that suitable infrastructure is provided at the site for the benefit of future occupiers, in accordance with policy I1 of the Submitted Local Development Plan and the National Planning Policy Framework.

- 32 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment as approved shall be constructed prior to the first use / occupation of the development to which it relates and be retained as such thereafter.

REASON: In order to safeguard the amenities of future occupiers of the dwellings and existing neighbouring residential properties as well as to ensure the appearance of the development is appropriate to the locality in accordance with policy D1 of the Approved Maldon District Local Development Plan.

- 33 Prior to the commencement of development details of the existing and proposed ground levels together with proposed finished floor levels shall be submitted to and be approved in writing by the Local Planning Authority. The development hereby permitted shall then be constructed in accordance with the approved ground and finished floor levels.



REASON: In order to ensure that development appropriately integrates with the setting and its proposed neighbouring dwellings, in compliance with policy D1 of the Approved Maldon District Local Development Plan.

- 34 With the exception of those shown for removal on approved plan reference 3532-D-1 revision C no trees or hedgerows within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To protect the existing landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies D1, N1 and N2 of the Approved Maldon District Local Development Plan.

- 35 No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Tree retention protection plan;
- Method statement for any changes within the RPA of any retained tree
- Tree constraints plan;
- Arboricultural method statement (including drainage service runs and construction of hard surfaces).
- The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site.

If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority. The tree protection measures shall be carried out in accordance with the approved details.

REASON: To protect existing landscaping on the site in the interests of visual amenity and the character of the area in accordance with policies D1, N1 and N2 of the Approved Maldon District Local Development Plan.

- 36 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.

REASON: To ensure an adequate method of foul water disposal with no deterioration in water quality or harm to the water environment in accordance with policy CON5 of the adopted Replacement Local Plan and policy S2 of the submitted Local Development Plan.

- 37 Prior to the commencement of development, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and hydrological and hydrogeological assessments, shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall accord with the details contained within the submitted Flood Risk Assessment undertaken by Transport Planning Associates, dated September 2014 and referenced 1303-34/FRA/03, and the details as submitted with this application.

The scheme shall also include:

- details of how the scheme shall be maintained and managed after completion
- details of culverts over the ordinary watercourse and agreement from Essex County Council
- the outcome of investigation into Outfall 1's downstream connectivity.
- calculations of the piped network performance in the 1 in 30 year or 1 in 100 year rainfall events, including climate change
- details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.
- Limiting discharge rates to 3.46 l/s/ha for storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to an including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculation for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS manual C75.
- Detailed engineering drawings for each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FL and ground levels, and location and size of any drainage features.
- A written report summarizing the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development in accordance with policy D2 of the Approved Maldon District Local Development Plan.

38 No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority of an on-site construction management plan detailing:

- Access arrangements to the site in conjunction with demolition/construction operations.
- The parking of vehicles of site operatives and visitors.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development.
- Wheel and underbody washing facilities.
- Mitigation measures to protect ecology on site.

- Dust management.
- Pollution control: protection of water courses and ground water and soils, bunding of fuel storage areas, sewage disposal.
- Temporary site illumination.
- Arrangements for keeping the site entrance and adjacent public road clean.
- Construction noise management plan.

All approved measures shall be put in place prior to development commencing on site and all subsequent construction of the development shall be implemented in accordance with the approved details.

REASON: In the interests of amenity, highway safety and biodiversity having regard to policies D1, T2 and N2 of the Approved Maldon District Local Development Plan.

39 Prior to first occupation of the development the highway works as shown in principle on Parc drawing no.013-004-A01, shall be implemented, to include, but not limited to the following:

- The provision of a priority junction as shown in principle on TPA drawing no.1203-03-SK11.
- Both new accesses onto the B1010 shall have clear to ground visibility splays of 2.4m x 90m to remain in perpetuity. None of the 174 dwellings shown to be accessed from the spine road and the east access shall be occupied until the access is in place and none of the 54 dwellings located off the private drive in Maldon Road shall be occupied until this (west) access is in place. For the western access clear visibility splays of 2.4m X 90m shall remain in perpetuity.
- The provision of a new priority junction onto the B1010 to the southeast of the Creeksea Lane junction.
- The provision of a new pedestrian/cycle access onto Creeksea Lane.
- The provision of a 2m wide footway up to a maximum available width of 1.8 metres within the highway boundary across the entire site frontage to tie into the existing footway at Chandlers. The footpath shall be in place and available for use prior to the occupation of the first dwellings on site.
- The provision of at least 2 crossing points on the B1010 to consist of dropped kerbs and tactile paving.
- The provision of physical measures to prevent HGVs from accessing the proposed industrial site to the south of the site.
- The industrial road to the south of the site, below the pinch point, shall tie into the existing road from Springfield Industrial Estate and shall be the same width as the existing road.
- The provision of a footway/cycleway with a minimum width of 3 metres between the residential development and the industrial estate to the south of the site

REASON: In the interests of highway safety, efficiency and accessibility in accordance with policy T2 of the Approved Maldon District Local Development Plan.

- A) No demolition / development or groundworks shall commence until a Written Scheme of Investigation, in response to an archaeological brief, has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording.
  2. The programme for post investigation assessment.
  3. Provision to be made for analysis of the site investigation and recording.
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
  5. Provision to be made for archive deposition of the analysis and records of the site investigation.
- B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

REASON: To protect the site which is of archaeological interest in accordance with policy D3 of the Approved Maldon District Local Development Plan.

- 41 No development shall commence until full details of an ecological mitigation scheme have been submitted to and approved in writing by the Local Planning Authority. The ecological mitigation scheme shall follow the recommendations set out in the submitted Ecology Report, dated May 2015.

The scheme shall also include:

- full mitigation for Great Crested Newts;
- details of how the scheme shall be maintained and managed after completion;
- details of scheduling of mitigation works.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To ensure appropriate protection to protected species is provided in accordance with policy N2 of the Approved Maldon District Local Development Plan

- 42 Prior to the commencement of the development hereby permitted, details of the means of refuse and recycling storage including details of any bin stores to be provided shall be submitted to and approved in writing by the Local

Planning Authority. The development shall be carried out in accordance with the agreed details and provided prior to the first occupation of the development and retained for such purposes at all times thereafter.

REASON: To ensure adequate refuse and recycling provision throughout the development in accordance with policies D1 and D2 of the Approved Maldon District Local Development Plan.

- 43 No development shall commence until details of the external public lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the Local Planning Authority.

REASON: To minimise light pollution upon nearby property including residential properties, the adjoining rural countryside and in the interests of biodiversity and ecology in accordance with policies D1, D2 and N2 of the Approved Maldon District Local Development Plan.

- 44 No development shall commence until the results and findings of further intrusive investigations recommended in the Delta Simons Environmental Assessment Report, Project No 14-0188-01 have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of protecting the amenities of adjacent occupiers during construction and future occupiers, having regard to policies D1 and H4 of the Approved Maldon District Local Development Plan.

- 45 Where identified as necessary in accordance with the requirements of condition 44, no development shall commence, other than that required to carry out remediation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The

development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

REASON: In the interests of protecting the amenities of adjacent occupiers during construction and future occupiers, having regard to policies D1 and H4 of the Approved Maldon District Local Development Plan.

- 46 No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority that details the measures aimed at mitigating or offsetting the impacts on local air quality resulting from increased road traffic emissions generated by the development. The agreed measures shall be implemented prior to the final completion of the development.

REASON: In the interests of pollution and environmental control to the benefit of future occupiers and users of the site and in the interests of ecology in accordance with policies I1, D1, D2 and N2 of the Approved Maldon District Local Development Plan.

### **INFORMATIVES**

1 National Grid

There is an Intermediate pressure pipeline that runs through the land parcel in the verge adjacent to Maldon Road. There is an easement in place for the pipeline. No works are permitted within the easement without formal written permission from National Grid. Any proposed works within the easement must be submitted to National Grid Plant Protection for approval.

2 Anglian Water

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

3 Essex County Council Highways

- a) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- b) A temporary closure/diversion of the footpaths is likely to be required during the construction phases.
- c) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

- d) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

4 Archaeology

The archaeological work will comprise geophysical survey of the entire development area followed by archaeological trial-trenching and geotechnical assessment of the gravels. Full excavation of specific areas will be required if archaeological features are identified together with a programme of post-excavation analysis and publication of results. All fieldwork should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by Essex County Council. Contact: Maria Medlycott, Historic Environment Advisor, Telephone: 03330-136853 Email: [maria.medlycott@essex.gov.uk](mailto:maria.medlycott@essex.gov.uk)

5 Environmental Health

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:

- a. No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- b. No dust emissions should leave the boundary of the site;
- c. Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
- d. Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.